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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/138,218	08/21/1998	MIKA TARKIAINEN	466-008195-U	3829

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EXAMINER

GESESSE, TILAHUN

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 04/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/138,218

Applicant(s)

TARKIAINEN ET AL.

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,6,10,15 are rejected under 35 U.S.C. 102(b) as being anticipated by Aldermeshian et al (5,745,850).

As to claims 1, Aldermeshian et al disclose method using a message service (calling number) for the transmission of user message, containing information from a sender , to the mobile station of a recipient ,who has a primary mobile station capable of receiving at least voice calls (600) and user messages and at least one secondary mobile station(610 or 620) capable of receiving at least a user messages (col.13 lines7-49)comprising the step of: Aldermeshian et al disclose directing user messages addressed to the primary mobile station to any of the secondary mobile stations of the recipient (col. 13 lines 7 –49 and fig.6).

As to claims 6 and 10 and 15, Aldermeshian et al disclose all the limitation as explained above in calim 1, and further more, Aldermeshian et al disclose means for activating a secondary mobile station (610 or 620) an incoming call addressed to primary mobile station (600) (col.13 lines 7-49 and fig.6)

As to claims 2, 4,9,11,12,18, Aldermeshian et al disclose everything as explained above, further more, Aldermeshian et al disclose activating the secondary mobile station up user message forward from phone (fig.6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,8,13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldermeshian et al in view of Pepe et al (5,742,905).

As to claims 5,8,13 and 17, Aldermeshian et al do not specifically disclose data computer receiving information and acknowledged the received user's message. However, Pepe et al disclose using a data computing device (PDA) of the recipient for informing of a received user message to the recipient and to acknowledge the received user message by the recipient, and first directing the received user message to the data computing device and , if the user message is not acknowledged by a determined time, forwarding the user message to the activated mobile station, see col.21 lines 45-63. Since Aldermeshian et al teach an incoming call addressed to the primary mobile station, when the primary station is busy or inactive, the incoming call is directed to secondary mobile station , therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Aldermeshian et al in receiving

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recipient's text message delivered to data computer and acknowledging for receipt , as taught by Pepe et al. in order to ensure that the message is delivered to the recipient on time.

4. Claims 3,7,14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldermeshian et al in view of Pepe et al and further in view of Pepper et al (US 5,930,700).

As per claims 3,7,14 and 16, Aldermeshian et al in view of Pepe et al fail to disclose the user messages are generated on the basis of the notification of calendar events. However, Pepper et al disclose the subscriber uses the GUI to enters in his daily schedule and his list of clients. The GUI also alerts the subscriber when the service control module 306 communicates with the PDA about new pending messages and to determine if the subscriber wants to accept a given call or forward it on to the voice mail portion of the service control. The database 308 maintains a network copy of the subscriber's daily schedule and client list which are used, along with the subscriber's default profile, to determine which calls to forward directly to the subscriber at his current location, which calls to forward to the subscriber's voice mail box, and when to let the subscriber decide what to do with a particular call ,see col.5-6 lies 66-68 and 1-11 respectively. Therefore, therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify to notify the calendar events for Pepe with pepper so that the notification user message forward to the alternative communication device based on time or schedule of the user.

Response to Arguments

5. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. ***Any response to this action should be mailed to:***

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

*(703) 746-6042 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")*

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor, (Receptionist).*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun Gesesse whose telephone number is (703) 308-5873.. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Le, Thanh, can be reached on (703) 305-4819. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

TBG

April, 4 , 2003

Tilahun Gesesse
Tilahun Gesesse